

Application Serial No.: 10/092,476

Amendment dated June 9, 2005
Reply to Office Action of 12/13/2004

REMARKS/ARGUMENTS

Applicant's invention provides a motor which includes specific structural features for maintaining radial clearances of a ball bearing thereof even as the operating temperature increases. The invention is recited in remaining claims 3-8, 10-11 and 13-14.

In a telephone interview initiated by the Examiner on or about December 3, 2004, and again in the Official Action dated December 13, 2004, the Examiner rejected claims 1, 2, 9 and 12. However, the Examiner noted that claims 1 and 2 would be allowable if amended to include the recitations of claims 3 and 4, respectively, and similarly that claims 9 and 12 would be allowable if amended to include the recitations of claims 11 and 14, respectively.

During the above noted telephone interview, in response to a direct question from the undersigned, the Examiner confirmed that allowability of claims 9 and 12, if amended, was not conditioned on incorporation therein of respective intervening claims 10 and 13.

Therefore, notwithstanding the statement at paragraph 5 of the pending Official Action, and in reliance on the telephonic interview of December 3, 2004, the language of intervening claims 10 and 13 was *not* included in the independent recitations of claims 11 and 14.

Error In Official Action

It is noted that, although paragraph 5 of the Action notes allowability of claims 3 and 4, paragraph 9 of the Action contradicts the contents of paragraph 5.

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More specifically, paragraph 9 erroneously asserts that the prior art teaches the subject matter of claims 3 and 4, while both paragraph 5 *and* checkbox 7 of the Office Action Summary indicate allowability and objection to, rather than rejection of, these claims.

It is similarly noted that, in view of allowability of claims 3 and 4 as previously presented if recited in independent form, the assertion at paragraph 9 that the art teaches the subject matter of claims 5-6 which are dependent therefrom is clearly erroneous. Moreover, the indication at checkbox 6 of the Summary that claims 5-6 are rejected (rather than objected to) is similarly erroneous.

The Amendment

The present amendment cancels rejected claims 1, 2, 9 and 12.

Claims 3 and 4 are amended by presentation in independent form, specifically by incorporation therein of the limitations of parent claims 1 and 2, respectively. Therefore, claims 3 and 4 are in condition for allowance.

Claims 9 and 12 are canceled hereby.

Claims 11 and 14 are amended by presentation in independent form, specifically by incorporation therein of the limitations of parent claims 9 and 12, respectively. Therefore, claims 11 and 14 are in condition for allowance.

The present amendment retains claims 5-6, which are dependent on allowable claims 3-4, respectively. Claims 5-6 are thus in condition for allowance.

The present amendment further amends claims 7-8 to depend on allowable claims 3-4, respectively. Claims 7-8 are thus in condition for allowance.

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Similarly, claims 10 and 13 are amended to depend on allowable claims 11 and 14, respectively. Claims 10 and 13 are thus also in condition for allowance.

It is noted that, through typographical error, it appears that the amendment filed November 8, 2004 inadvertently identified claim 13 presented therein as dependent from claim 11. However, as recognized by the Examiner, claim 13 was intended to depend from claim 12, and the limitations of claim 14 which depends from claim 13 thus indirectly depend from claim 12.

In any case, the present amendment is responsive to the Official Action and adds the limitations of parent claim 12 to those of claim 14.

In view of the foregoing, it is respectfully submitted that each of the claims pending in the application is in condition for allowance and an early indication of the same is courteously solicited. In order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, the Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number if any further comments, questions or suggestions arise in connection with the application.

Respectfully submitted,

Israel Gopstein
Registration No. 27,333

P. O. Box 9303
Silver Spring, MD 20916-9303
(301) 537-5310
(240) 371-0700 (fax)
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